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Attorneys for Defendants Patrick Allen, Sajel Hathi, Dolores Matteucci, and Sara Walker

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

DISABILITY RIGHTS OREGON,  
METROPOLITAN PUBLIC DEFENDER  
SERVICES, INC., and A.J. MADISON,

Plaintiffs,

v.

SEJAL HATHI, in her official capacity as  
head of the Oregon Health Authority, and  
SARA WALKER in her official capacity as  
Interim Superintendent of the Oregon State  
Hospital,

Defendants.

Case No. 3:02-cv-00339-AN (Lead Case)  
Case No. 3:21-cv-01637-AN (Member Case)  
Case No. 6:22-CV-01460-AN (Member Case)

DEFENDANTS' FIRST REPORT  
REGARDING CALCULATION OF FINES

JAROD BOWMAN, JOSHAWN DOUGLAS-SIMPSON,

Plaintiffs,

v.

SARA WALKER,<sup>1</sup> Interim Superintendent of the Oregon State Hospital, in her official capacity, DOLORES MATTEUCCI, in her individual capacity, SEJAL HATHI, Director of the Oregon Health Authority, in her official capacity, and PATRICK ALLEN in his individual capacity,

Defendants.

Case No. 3:21-cv-01637-AN (Member Case)

LEGACY EMANUEL HOSPITAL & HEALTH CENTER d/b/a UNITY CENTER FOR BEHAVIORAL HEALTH; LEGACY HEALTH SYSTEM; PEACEHEALTH; and PROVIDENCE HEALTH & SERVICES OREGON,

Plaintiffs,

v.

SEJAL HATHI, in her official capacity as Director of Oregon Health Authority,

Defendant.

Case No. 6:22-CV-01460-AN (Member Case)

Pursuant to this Court's June 6, 2025, Order, Defendants hereby submit as Exhibit 1 the "relevant dashboard data pertaining to the average active waiting period for *Mink-Bowman* class members." Exhibit 1 covers the time period of June 2 through June 15, 2025. Defendants note, however, that Exhibit 1 is not the regular *monthly* published dashboard, because the monthly dashboard reflecting data for June 2025 will not be created until the first week of July 2025. Rather, Exhibit 1 is a bi-weekly report containing the same data in the dashboard that will be published in the first week of July 2025. Defendants further that note there are no "class members" in the *Mink* or *Bowman* cases.

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<sup>1</sup> Dr. Sara Walker is no longer the Interim Superintendent of the Oregon State Hospital. Defendants will file a motion to update the caption in these cases.

The Court's June 6, 2025, Order also requires Defendants to "submit a proposed calculation of contempt fines" on the fifteenth day of each month beginning on June 15, 2025. ECF No. 604, pp. 18.<sup>2</sup> The Order "imposes monetary sanctions in the amount of \$500.00 per class member per day." *Id.*, p. 17. Although there are no class members, Defendants proposed calculations include all persons ordered committed to the Oregon State Hospital (OSH) pursuant to ORS 161.370 (a .370 order) from June 7 through June 15, 2025, and accrues fines at a rate of \$500 per day for each day they waited longer than seven days for admission. Defendants do not include, however, in their proposed fines days where the delay was caused by circumstances outside Defendants' control (*e.g.*, where OSH offered a bed to the jail, but the jail declined to transport). Defendants propose fines in the amount of \$38,000 for the period of June 7 through June 15, 2025. The chart attached as Exhibit 2 reflects Defendants' calculations and notes delays outside of Defendants' control in red, which are excluded from the total proposed fine amount:

DATED June 16, 2025.

Respectfully submitted,

DAN RAYFIELD

Attorney General

*s/ Carla A. Scott*

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<sup>2</sup> Because June 15, 2025, fell on a Sunday, Defendants submit this Report on June 16, 2025.

## OSH Forensic Admission and Discharge Bi-Weekly Report

June 2-15, 2025

## Aid &amp; Assist

County	Admission List (as of June 16)				Patients Admitted During the Two Weeks				No Longer Needing HLOC (as of June 16)								Patients Discharged for Community Restoration							
	Count	Avg Days	Low	High	Count	Avg Days	Low	High	Count	Recommended LOCUS						Avg Days	Count	Recommended LOCUS						Avg Days
										1	2	3	4	5	6			1	2	3	4	5	6	
Baker																								
Benton					2	13.0	13	13	2				1	1		29.5	1				1			97.0
Clackamas					5	8.0	8	8	10			1	1	8		30.8	2					2		35.0
Clatsop																	1					1		64.0
Columbia					2	9.5	8	11	1				1			53.0	1					1		37.0
Coos					2	8.0	8	8	3				2	1		22.7								
Crook																								
Curry																								
Deschutes	2	5.5	3	8					1					1		19.0								
Douglas					2	11.5	9	14	8			1	3	3		32.6								
Gilliam																								
Grant																								
Harney																								
Hood River					1	11.0	11	11																
Jackson	3	7.3	5	12	5	12.6	11	13	1				1			46.0								
Jefferson					1	12.0	12	12																
Josephine	1	3.0	3	3	2	8.5	8	9	1					1		32.0								
Klamath									3			1	1	1		57.0								
Lake																								
Lane	7	7.4	5	11	6	11.3	10	13	12		1	2	6	3		63.4								
Lincoln					1	9.0	9	9	2				1	1		35.5								
Linn	4	6.3	3	10					3				2	1		24.7								
Malheur									1					1		35.0								
Marion	5	6.2	3	10	3	11.0	9	12	8			1	2	5		35.8	1					1		137.0
Morrow																								
Multnomah	4	6.3	6	7	13	10.2	8	13	18			1	7	8	2	32.8	6				1	3	2	45.5
Polk									4					4		53.0								
Sherman																								
Tillamook					1	12.0	12	12	2			1	1			37.0								
Umatilla									1			1				6.0								
Union					1	12.0	12	12																
Wallowa																								
Wasco	2	7.5	4	11																				
Washington	4	6.3	6	7	2	8.5	8	9	7				4	2	1	33.7	2			1	1			55.5
Wheeler																								
Yamhill					1	8.0	8	8	3			1	1	1		26.0								
<b>Total</b>	<b>32</b>	<b>6.5</b>	<b>3</b>	<b>12</b>	<b>50</b>	<b>10.4</b>	<b>8</b>	<b>14</b>	<b>91</b>	<b>0</b>	<b>1</b>	<b>10</b>	<b>34</b>	<b>42</b>	<b>3</b>	<b>37.9</b>	<b>14</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>8</b>	<b>2</b>	<b>56.4</b>

## PSRB / GEI

County	Admission List (as of June 16)				Patients Admitted During the Two Weeks				Patients Conditionally Released to PSRB								
	Count	Avg Days	Low	High	Count	Avg Days	Low	High	Count	Level of Care Needed						Avg Days	
										SRTF	RTF	AFH	DOC	Ind.	Other		
Baker																	
Benton																	
Clackamas																	
Clatsop																	
Columbia									1	1							167.0
Coos																	
Crook																	
Curry																	
Deschutes																	
Douglas					1	14.0	14	14									
Gilliam																	
Grant																	
Harney																	
Hood River																	
Jackson	1	3.0	3	3													
Jefferson																	
Josephine																	
Klamath																	
Lake					1	20.0	20	20									
Lane																	
Lincoln																	
Linn																	
Malheur																	
Marion																	
Morrow																	
Multnomah					3	9.3	2	15									
Polk																	
Sherman																	
Tillamook																	
Umatilla									2	2							320.0
Union																	
Wallowa																	
Wasco																	
Washington																	
Wheeler																	
Yamhill																	
Total	1	3.0	3	3	5	12.4	2	20	3	2	1	0	0	0	0		269.0

*\*Data related to PSRB / GEI patients who no longer need hospital level of care are not listed until they discharge since the county and level of care is not known until placement.*

## Definition Guide

**Aid & Assist** – Includes patients under an ORS 161.370 court order needing competency restoration.

**PSRB / GEI** – Includes patients under a GEI court order (ORS 161.327 and ORS 161.336) or a PSRB court order (ORS 419C.530, ORS 426.220, ORS 426.701, and ORS 426.702).

**Currently on the Admission List** – Includes patients awaiting admission to OSH for whom OSH has received the court order.

**Avg Days** – The average days a patient currently on the admission list has been waiting for admission to OSH, measured from the date the court order was signed.

**Admitted During the Month** – Includes patients who were admitted to OSH during the month.

**Avg Days** – The average days a patient admitted to OSH had been waiting for admission, measured from the date the court order was signed.

**No Longer Needs Hospital Level of Care** – Includes patients who have been assessed to no longer need Hospital Level of Care (HLOC) and are ready to be discharged from OSH.

Aid & Assist patients are added to the Ready to Place (RTP) list and PSRB/GEI patients are added to the Conditional Release Ready (CRR) list.

**Avg Days** – The average days a patient assessed to no longer need HLOC has been waiting for discharge, measured from the date the assessment was made.

**Discharged After Having Been Assessed to No Longer Need Hospital Level of Care** – Includes patients who had been assessed to no longer need HLOC and were discharged from OSH during the month. For Aid & Assist patients, only those discharged to community restoration are included.

**Avg Days** – The average days a patient discharged from OSH had been waiting for discharge, measured from the date the assessment was made.

**LOCUS Score** – The Level of Care Utilization System (LOCUS) is a dynamic instrument that is used to determine and recommend a continuum of service needs, e.g. the environment of care, hours of contact and types of services.

**1** – Independent Living - Patients who are living either independently or with minimal support in the community and who have achieved significant recovery from past episodes of illness.

**2** – Independent Living - Patients who need ongoing treatment, but who are living either independently or with minimal support in the community.

**3** – Independent Living – Patients who need intensive support and treatment, but who are living either independently or with minimal support in the community.

**4** – Supportive/Supported Housing and ACT Services - Patients can live in the community either in supportive or independent settings, but treatment needs require intensive management by a multi-disciplinary treatment team.

**5** – RTF/RTH - This level of care has traditionally been provided in non-hospital; free standing residential facilities based in the community.

**6** – Class 1 SRTF or Psychiatric Hospital - Traditionally provided in a hospital setting, but could, in some cases, can be provided in a free-standing non-hospital setting.

**Level of Care Needed** – All levels of supervision under the PSRB are assessed not just by clinical stability but also by dangerousness. The PSRB mission is community and public safety therefore the driver for placement is safety to the community.

**SRTF** – Patients who need placement in a locked Secure Residential Treatment Facility (SRTF) that provides support for daily living, medication monitoring, and crisis intervention.

**RTF** – Patients who need placement in an unlocked Residential Treatment Facility (RTF) that provides support for daily living, medication monitoring, and crisis intervention.

**AFH** – Patients with specific needs who require Adult Foster Home (AFH) placements that provide support for training or assistance with personal care and activities of daily living, supervision of medications and/or behavior, crisis prevention, and management of diet and health care.

**DOC** – Patients that have been dually sentenced to both PSRB and DOC at the same time and are ready to be released to DOC care.

**Ind.** – Patients who may still require treatment but who are appropriate for either an independent living (Ind.) arrangement or with minimal support in the community.

**Other** – Patients who have a more uncommon level of need not identified in the other categories.

Patient	Order Signed	Order Received	Admit Date	County of Commitment	Notes	Signed-Adm	Days >7	Fine	Adj Days	Adj Fine
1	05/27/2025	05/28/2025	06/09/2025	Multnomah		13	6	\$3,000	6	\$3,000
2	05/27/2025	05/27/2025	06/09/2025	Benton		13	6	\$3,000	6	\$3,000
3	05/28/2025	05/28/2025	06/09/2025	Multnomah		12	5	\$2,500	5	\$2,500
4	05/28/2025	05/28/2025	06/09/2025	Jefferson		12	5	\$2,500	5	\$2,500
5	05/27/2025	05/27/2025	06/09/2025	Benton		13	6	\$3,000	6	\$3,000
6	05/29/2025	05/30/2025	06/10/2025	Marion		12	5	\$2,500	5	\$2,500
7	06/02/2025	06/02/2025	06/10/2025	Clackamas		8	1	\$500	1	\$500
8	06/02/2025	06/02/2025	06/10/2025	Clackamas		8	1	\$500	1	\$500
9	05/28/2025	05/29/2025	06/10/2025	Lane	bed offered 6/9, county declined	13	6	\$3,000	5	\$2,500
10	05/28/2025	05/28/2025	06/10/2025	Jackson	bed offered 6/9, county declined	13	6	\$3,000	5	\$2,500
11	05/29/2025	05/29/2025	06/10/2025	Lane		12	5	\$2,500	5	\$2,500
12	06/03/2025	06/04/2025	06/11/2025	Multnomah		8	1	\$500	1	\$500
13	06/03/2025	06/03/2025	06/11/2025	Washington		8	1	\$500	1	\$500
14	06/03/2025	06/04/2025	06/11/2025	Multnomah		8	1	\$500	1	\$500
15	06/03/2025	06/04/2025	06/11/2025	Multnomah		8	1	\$500	1	\$500
16	06/03/2025	06/04/2025	06/11/2025	Multnomah		8	1	\$500	1	\$500
17	06/02/2025	06/02/2025	06/11/2025	Josephine		9	2	\$1,000	2	\$1,000
18	06/04/2025	06/04/2025	06/12/2025	Josephine		8	1	\$500	1	\$500
19	06/03/2025	06/04/2025	06/12/2025	Multnomah		9	2	\$1,000	2	\$1,000
20	06/02/2025	06/02/2025	06/12/2025	Lane	bed offered 6/11, county declined	10	3	\$1,500	2	\$1,000
21	06/04/2025	06/05/2025	06/12/2025	Yamhill		8	1	\$500	1	\$500
22	06/02/2025	06/02/2025	06/12/2025	Lane	bed offered 6/11, county declined	10	3	\$1,500	2	\$1,000
23	06/02/2025	06/02/2025	06/12/2025	Lane	bed offered 6/11, county declined	10	3	\$1,500	2	\$1,000
24	06/05/2025	06/06/2025	06/13/2025	Coos		8	1	\$500	1	\$500
25	06/05/2025	06/06/2025	06/13/2025	Marion		8	1	\$500	1	\$500
26	06/04/2025	06/04/2025	06/13/2025	Lincoln		9	2	\$1,000	2	\$1,000
27	06/04/2025	06/05/2025	06/13/2025	Marion		9	2	\$1,000	2	\$1,000
28	06/05/2025	06/05/2025	06/13/2025	Columbia		8	1	\$500	1	\$500
29	06/04/2025	06/05/2025	06/13/2025	Washington		9	2	\$1,000	2	\$1,000
<b>Total</b>									<b>76</b>	<b>\$38,000</b>